

SENATE BILL NO. 69

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY SENATOR STOLTZE

Introduced: 3/6/15

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Board of Chiropractic Examiners and the practice of
2 chiropractic."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 08.20.055 is amended to read:

5 **Sec. 08.20.055. Board regulations.** The board shall adopt [SUBSTANTIVE]
6 regulations necessary to effect the provisions of this chapter, including regulations
7 establishing standards for

8 (1) continuing education; [AND]

9 (2) the application, performance, and evaluation of chiropractic core
10 methodology;

11 **(3) the training, qualifications, scope of practice, and employment**
12 **of chiropractic interns and chiropractic preceptors;**

13 **(4) the certification and use of chiropractic clinical assistants; and**

14 **(5) the performance of patient examinations authorized under**

AS 08.20.100(b).

* **Sec. 2.** AS 08.20.100(b) is amended to read:

(b) A person licensed under this chapter may

(1) analyze, diagnose, or treat the chiropractic condition of a patient by chiropractic core methodology or by ancillary methodology;

(2) accept referrals for [CHIROPRACTIC] treatment **by chiropractic core methodology or by ancillary methodology;**

(3) consult on chiropractic matters;

(4) refer patients to other health care professionals;

(5) **perform** [SIGN

(A) WITHIN THE SCOPE OF CHIROPRACTIC PRACTICE, CERTIFICATES OF] physical examinations **of** [FOR] children **for school physical examinations and preparticipation physical examinations for sports and school activities** [BEFORE THEY ENTER SCHOOL];

(6) sign

(A) [(B)] reports for excuses from employment and from attendance at school or participation in sports activities; and

(B) [(C)] authorizations for sick leave;

(7) [(6)] perform preemployment and workplace health examinations;

(8) [(7)] provide disability and physical impairment ratings;

(9) [AND (8)] provide retirement health and disability authorizations and recommendations;

(10) employ certified chiropractic clinical assistants; and

(11) employ chiropractic interns and chiropractic preceptors.

* **Sec. 3.** AS 08.20.100 is amended by adding a new subsection to read:

(d) This section does not apply to a chiropractic intern who is acting within the scope of practice authorized by the board and is under the personal supervision of a licensed chiropractor.

* **Sec. 4.** AS 08.20.160 is amended to read:

Sec. 08.20.160. Temporary permits. Temporary permits may be issued to [PERSONS APPARENTLY] qualified **applicants** until the next regular meeting of

1 the board.

2 * **Sec. 5.** AS 08.20 is amended by adding a new section to read:

3 **Sec. 08.20.168. Chiropractic clinical assistant.** (a) A person may not practice
4 as a chiropractic clinical assistant in this state without a certificate.

5 (b) A person certified as a chiropractic clinical assistant under this chapter
6 may, under the general supervision of a person licensed under this chapter,

7 (1) perform diagnostic imaging studies;

8 (2) use ancillary methodologies; and

9 (3) perform procedures.

10 * **Sec. 6.** AS 08.20.185 is amended to read:

11 **Sec. 08.20.185. Utilization [PEER] review committee; confidentiality.** (a)
12 **The** [IN ADDITION TO PEER REVIEW AUTHORIZED UNDER AS 08.01.075,
13 **THE]** board may establish a **utilization** [PEER] review committee to review
14 complaints concerning the reasonableness or appropriateness of care provided, fees
15 charged, or costs for services rendered by a licensee to a patient. A review conducted
16 by a **utilization** [PEER] review committee under this section may be **used**
17 [UTILIZED] by the board in considering disciplinary action against a licensee, but the
18 results or recommendations of a **utilization** [PEER] review committee are not binding
19 **on** [UPON] the board. A member of a **utilization** [PEER] review committee
20 established under this section who in good faith submits a report under this section or
21 participates in an investigation or judicial proceeding related to a report submitted
22 under this section is immune from civil liability for the submission or participation.

23 (b) The board shall charge a complainant a fee, established under
24 AS 08.01.065, for **utilization** [PEER] review under this section.

25 (c) Patient records presented to a **utilization** [PEER] review committee for
26 review under this section that were confidential before their presentation to the
27 committee are confidential to the committee members and to the board members and
28 are not subject to inspection or copying under AS 40.25.110 - 40.25.125. A committee
29 member or board member to whom confidential records are presented under this
30 subsection shall maintain the confidentiality of the records. A person who violates this
31 subsection is guilty of a class B misdemeanor.

1 * **Sec. 7.** AS 08.20.200 is amended to read:

2 **Sec. 08.20.200. Unlicensed practice [A MISDEMEANOR].** A person who
3 practices chiropractic in the state without a license in violation of AS 08.20.100 is
4 guilty of a **class A** misdemeanor **and may be punished as provided in AS 12.55** [,
5 AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN
6 \$1,000, OR BY IMPRISONMENT FOR NOT MORE THAN A YEAR, OR BY
7 BOTH].

8 * **Sec. 8.** AS 08.20.210 is amended to read:

9 **Sec. 08.20.210. Fraudulent licenses and certificates.** A person who obtains
10 or attempts to obtain a chiropractic **license or chiropractic clinical assistant**
11 certificate by dishonest or fraudulent means [,] or who forges, counterfeits, or
12 fraudulently alters a chiropractic **license or chiropractic clinical assistant** certificate
13 is **guilty of a class A misdemeanor** [PUNISHABLE BY A FINE OF NOT MORE
14 THAN \$500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS,
15 OR BY BOTH].

16 * **Sec. 9.** AS 08.20.900(7) is amended to read:

17 (7) "chiropractic examination" means an examination of a patient
18 conducted by [OR UNDER THE SUPERVISION OF] a person licensed under this
19 chapter, **or by a chiropractic clinical assistant or chiropractic intern authorized**
20 **by the board to conduct an examination under the supervision of a person**
21 **licensed under this chapter,** for the express purpose of ascertaining whether
22 symptoms of subluxation complex exist and consisting of an analysis of the patient's
23 health history, current health status, results of diagnostic procedures including x-ray
24 and other diagnostic imaging devices, and postural, thermal, physical, neuro-physical,
25 and spinal examinations that focuses on the discovery of

26 (A) the existence and etiology of disrelationships of skeletal
27 joint structures; and

28 (B) interference with normal nerve transmission and
29 expression;

30 * **Sec. 10.** AS 08.20.900 is amended by adding new paragraphs to read:

31 (11) "chiropractic clinical assistant" means a person certified by the

1 board who works under the general supervision of a person licensed under this
2 chapter;

3 (12) "chiropractic intern" means a person who is authorized by the
4 board to engage in the practice of chiropractic while under the personal supervision of
5 a person licensed under this chapter for the purpose of obtaining practical experience
6 for licensure as a chiropractor;

7 (13) "chiropractic preceptor" means a person who is licensed under
8 this chapter and is authorized by the board to participate in the instruction and training
9 of chiropractic interns.